

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:
CATHY MICKENS
Debtor
Address: 2621 Reba Court
Glen Allen, VA 23060
Last four digits of Social Security No.(s): XXX-XX-2707

BCN #: 19-31323-KLP
Chapter: 7

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Room 4000, Richmond, VA 23219-3515, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: July 24, 2019 at 9:00 AM in Courtroom 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: June 26, 2019

/s/ Nicole McKenzie

BY: Gregory N. Britto, Esquire, VSB #23476
Malcolm B. Savage, III, Esquire, VSB #91050
William M. Savage, Esquire, VSB #26155
Thomas J. Gartner, Esquire, VSB #79340
Mary F. Balthasar Lake, Esquire, VSB #34899
Renee Dyson, Esquire, VSB #93282
Nicole McKenzie, Esquire, VSB #93990
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

CERTIFICATE OF SERVICE

I certify that I have this 26th day of June, 2019, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230

ROY M. TERRY, JR.
P.O. BOX 2188
RICHMOND, VA 23218-2188

Cathy Mickens
2621 Reba Court
Glen Allen, VA 23060

/s/ Nicole McKenzie

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United States Bankruptcy Court
Eastern District of Virginia
Richmond Division

In Re:
Cathy Mickens
Debtor

BCN#: 19-31323-KLP
Chapter: 7

Nationstar Mortgage LLC d/b/a Mr. Cooper
or present noteholder,

Movant/Secured Creditor,

v.

Cathy Mickens
Debtor

and

ROY M. TERRY, JR.

Trustee

Respondents

Motion for Order Granting Relief from
Automatic Stay under 11 USC §362

Nationstar Mortgage LLC d/b/a Mr. Cooper, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 7 Petition in Bankruptcy with this Court on March 13, 2019.

3. That ROY M. TERRY, JR. has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. Movant, Nationstar Mortgage LLC d/b/a Mr. Cooper, is the current holder of the Subject Note secured by the subject Deed of Trust. The original Deed of Trust holder was Nationstar Mortgage LLC d/b/a Mr. Cooper, with Mortgage Electronic Registration Systems, Inc., as beneficiary, solely as nominee for the Lender. The beneficial interest in the aforesaid Deed of Trust has been assigned to the Movant as evidenced by the Assignment dated June 10,

2019. The Note was originated by Nationstar Mortgage LLC d/b/a Mr. Cooper. A copy of the Assignment, Deed of Trust, and Note are attached hereto and incorporated herein by reference.

5. That the subject Mortgage secures a parcel of real property (hereinafter “the Property”) with the address of 11443 145Th Street, Jamaica, NY 11436 and more particularly described in the Mortgage dated September 4, 2018 and recorded as Deed Instrument Number 2018000315903 among the land records of the said city/county, as:

ALL that certain plot, piece or parcel of land, situate, lying, and being in the Fourth Ward of the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of 145th Street, distant 299 feet 10 inches southerly from the corner formed by the intersection of the easterly side of 145th Street with the southerly side of 114th Avenue;

RUNNING THENCE easterly and parallel with the southerly side of 114th Avenue and part of the distance through a party wall, 100 feet;

THENCE southerly and parallel with the easterly side of 145th Street, 14 feet 2 inches;

THENCE westerly and again parallel with the southerly side of 114th Avenue and again part of the distance through a party wall, 100 feet;

THENCE northerly along the easterly side of 145th Street, 14 feet 2 inches to the point or place of BEGINNING.

6. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

7. That the Debtor is in default with regard to payments which have become due under the terms of the Note and Mortgage.

As of June 19, 2019 the Debtor is due for:

- o 4 monthly payments from January 2019 through April 2019 of \$1,896.46 each which were to be paid directly to Movant;
- o 2 monthly payments from May 2019 through June 2019 of \$1,939.20 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$750.00

o Bankruptcy Costs of \$181.00

8. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the Mortgage, but is prevented by the Automatic Stay from going forward with these proceedings.

9. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

10. That the Movant has requested that the Court hear this matter on July 24, 2019 at 9:00 AM.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stay in order to pursue its remedies under the terms of its Note and Mortgage, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees' and costs expended, and for such other and further relief as the Court and equity deem appropriate.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: June 26, 2019

/s/ Nicole McKenzie
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Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

Certificate of Service

I certify that I have this 26th day of June, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Veronica D. Brown-Moseley
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230

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